

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
W/S Bonita Avenue, 200' N of
the c/l of Velvet Hill Drive • DEPUTY ZONING COMMISSIONER
(12102 Bonita Avenue) • OF BALTIMORE COUNTY
4th Election District • Case No. 90-516-A
3rd Councilmanic District
Richard Herskovitz, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the minimum required 15 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1990 that the Petition for Residential Variance to permit to permit a side yard setback of 2 feet in lieu of the minimum required 15 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the garage addition to be converted to a second dwelling unit and/or apartments.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/28/90
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 28, 1990

Mr. & Mrs. Richard Herskovitz
12102 Bonita Avenue
Owings Mills, Maryland 21117

RE: PETITION FOR RESIDENTIAL VARIANCE
W/S Bonita Avenue, 200' N of the c/l of Velvet Hill Drive
(12102 Bonita Avenue)
4th Election District - 3rd Councilmanic District
Richard Herskovitz, et ux - Petitioners
Case No. 90-516-A

Dear Mr. & Mrs. Herskovitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR RESIDENTIAL VARIANCE

90-516-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 To allow a 2 foot side yard setback in lieu of 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

See Attached:

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

12102 Bonita Ave. 301 356-5007

Owings Mills, Md. 21117

City/State/Zip Code

How, address and phone number of legal owner, contract purchaser or representative to be contacted.

Richard Herskovitz

12102 Bonita Ave. 301 356-5007

Owings Mills, Md. 21117

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of June, 1990, that the subject matter of this petition be posted on the property on or before the 17th day of June, 1990.

J. Robert Haines

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of June, 1990, at 10:00 a.m.

ESTIMATED LENGTH OF HEARING - 1/2 HR. - 10:00 a.m.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

ALL REVIEWED BY: [Signature] DATE 5-17-90

404

ZONING COMMISSIONER OF BALTIMORE COUNTY

ALL REVIEWED BY: [Signature] DATE 5-17-90

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ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
17th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hines
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard Herskovitz, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 31, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Richard Herskovitz, et ux, Item No. 404

The Petitioners request a Variance to side yard setback requirements.

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 301
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 4, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD HERSKOVITZ
Location: #12102 BONITA AVENUE
Item No.: 404 Zoning Agenda: JUNE 5, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Pat Keller* 6-490 Noted and Approved *Capitulum*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 29, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 5, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 387, 388, 394, 396, 397, 398, 399, 400, 402, 403, 404, 406 and 407.

For Item 401, the previous County Review Group comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 22, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard Herskovitz
12102 Bonita Avenue
Owings Mills, Maryland 21117

Re: CASE NUMBER: 90-516-A
ITEM NUMBER: 404
LOCATION: 12102 Bonita Avenue

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 6, 1990. After the closing date (June 21, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

G. G. Stephens
G. G. Stephens

Dr. David Gammerman
12104 Bonita Avenue
Owings Mills, Maryland 21117

June 26, 1990

To Whom It May Concern:

I have no objections to my neighbor, Richard Herskovitz, constructing an attached garage to his property at 12102 Bonita Avenue. I am aware that in order to do this he will go beyond the 15 foot side set back and come to within 2 feet of his property line next to my lot. I also have no objections to Baltimore County granting him a variance to go beyond his side setback.

Sincerely,

David Gammerman
David Gammerman

*Submitted on my behalf, a notary public,
on the 28th day of June 1990 in the city of Baltimore
State of Md*

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being
Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say

BEING KNOWN AND DESIGNATED as Lot No. 51, as shown on the Plat entitled

"Second Amended Plat of Velvet Hill" which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. NO. 46, folio 30 The improvements thereon being known as No. 12102 Bonita Avenue.

BEING the same lot of ground which by Deed dated March 6, 1986, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. NO. 7118, folio 269, etc., was granted and conveyed by Ashley Group, LTD to the grantors herein.

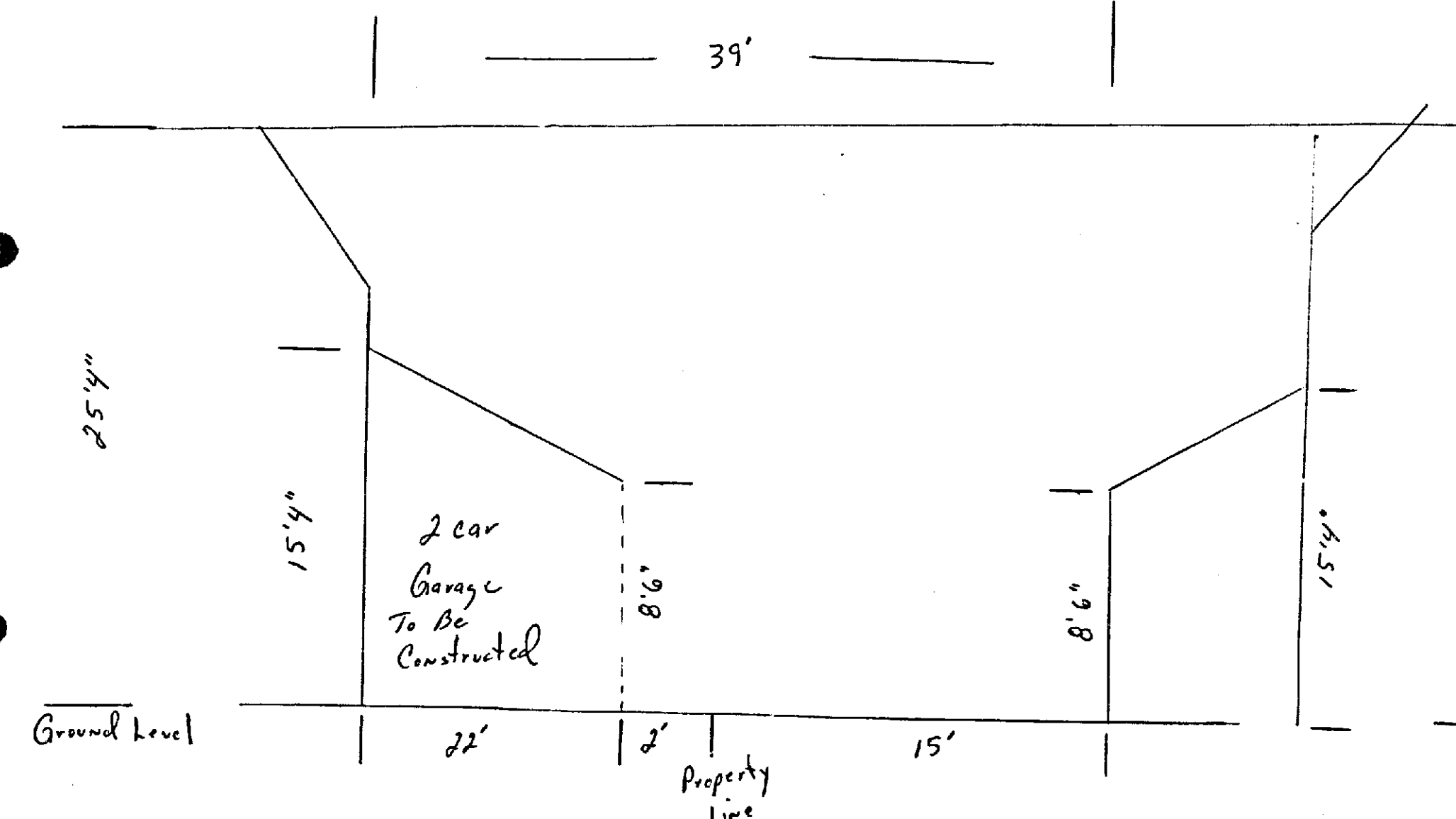
Subject to the existing Deed of Trust from Richard H. Herskovitz and Susan Beth Harris to Ronald J. Agasar, Trustee for I.C.A. Mortgage Corporation, dated March 6, 1986, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. NO. 7118, folio 271, etc.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE *JR* DATE 7-87

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
CLERK *JR* 7-87
DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per *David W. Brown*
Authorized Signature
Date 7/1/90 Sec 11-85 A

90-516-A



#404

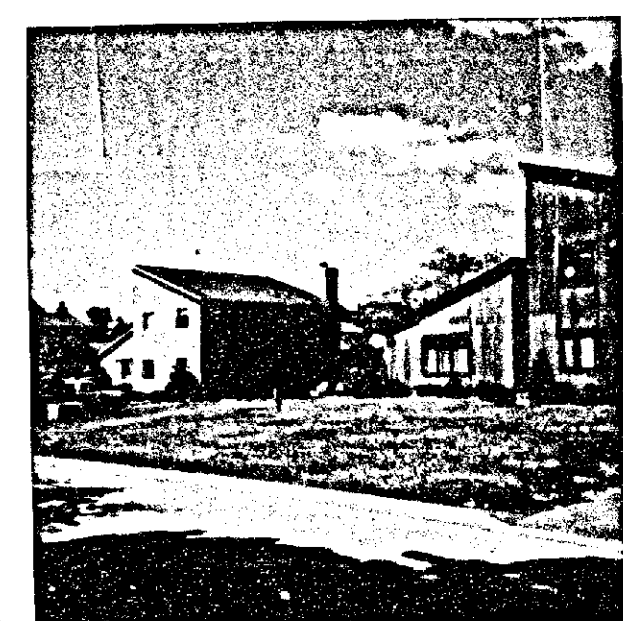
Herskovitz

90-516-A

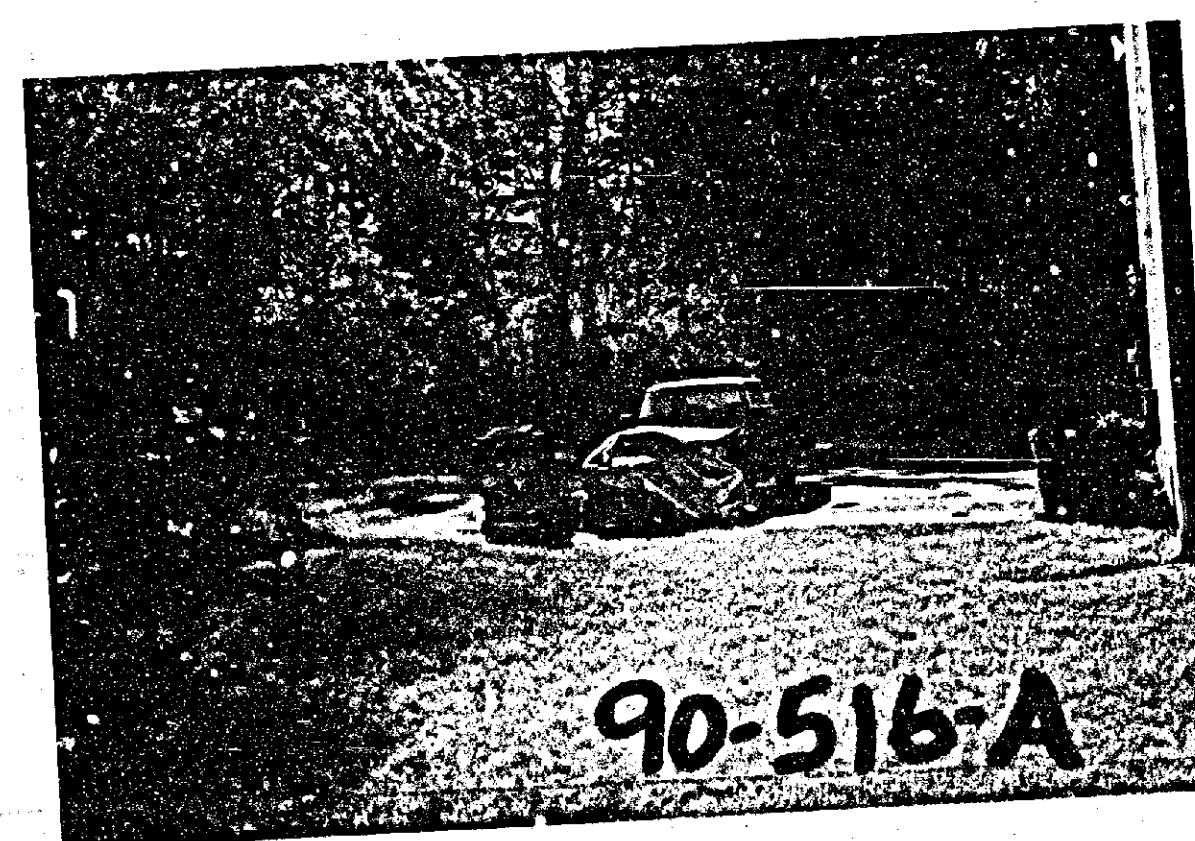
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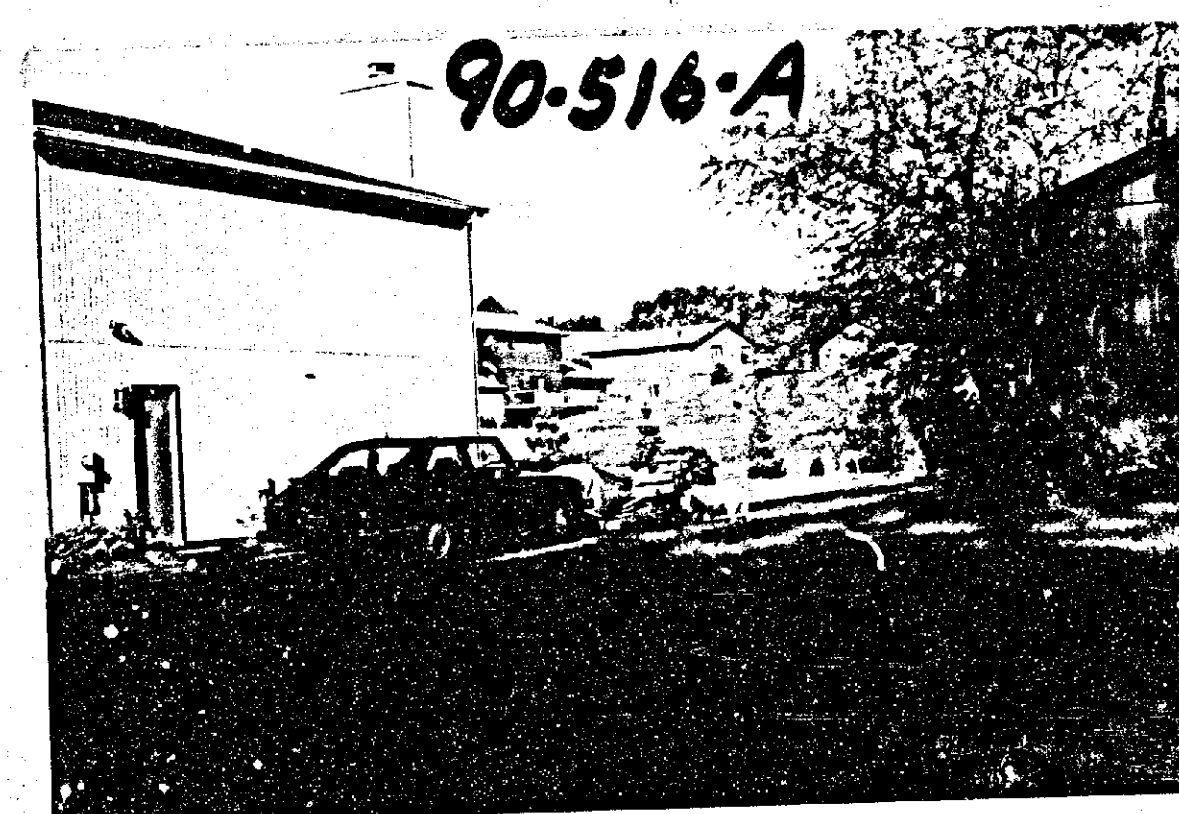
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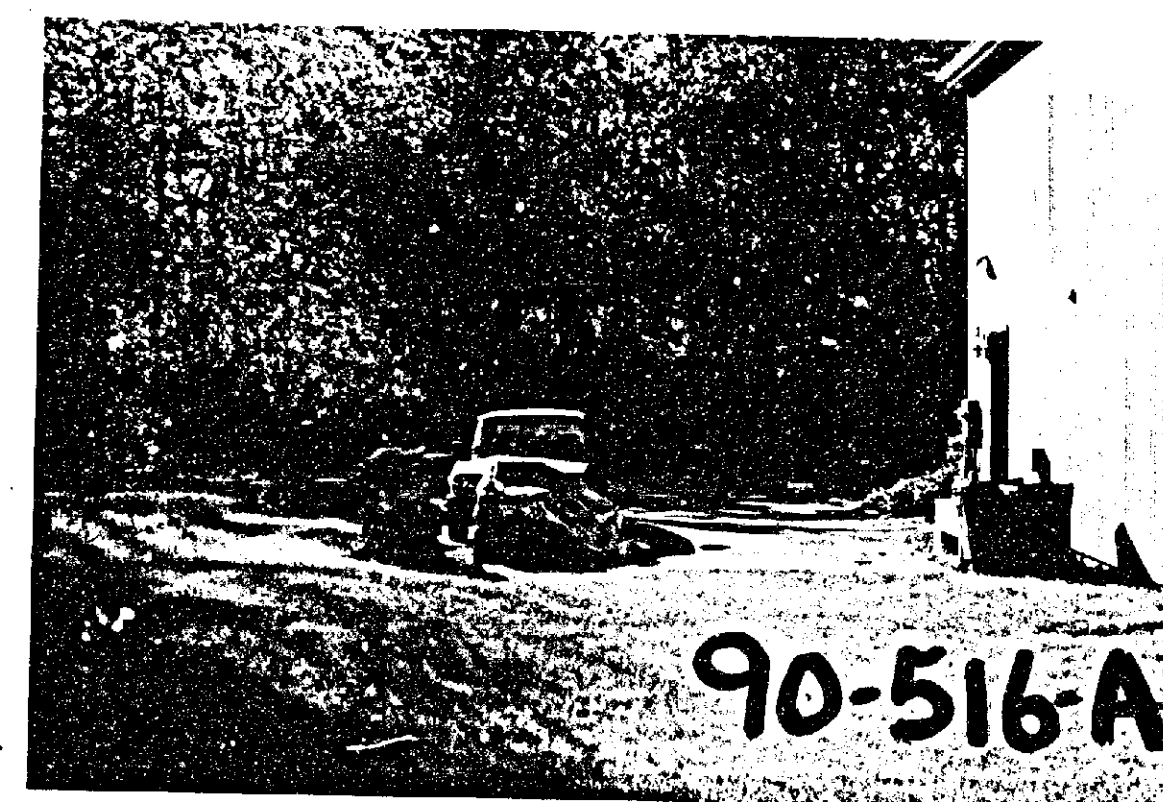
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